

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DEC 13 2002

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/457,926
Filing Date	December 8, 1999
First Named Inventor	Burton Christensen et al
Group Art Unit	1639
Examiner Name	M. Garcia Baker
Attorney Docket Number	P-061-R2

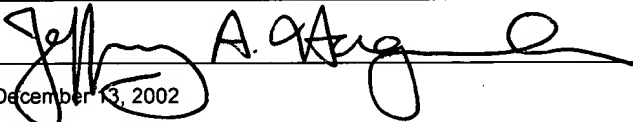
Total Number of Pages in This Submission

341*

ENCLOSURES (check all that apply)

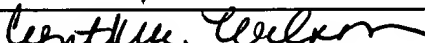
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		*Enclosed are the following:
		Brief for Appellant (113 pages total), including Appendix A (18 pages) and Appendix B (70 pages), submitted in triplicate; Fee Transmittal Form (1 page) submitted in duplicate; and a postcard.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jeffrey A. Hagenah, Reg. No. 35,175
Signature	
Date	December 13, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service (Express Mail Label No. EV 226053955 US) under 37 C.F.R. §1.10 and is addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: December 13, 2002

Typed or printed name	Cynthia Wilson		
Signature		Date	December 13, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DEC 13 2002
U.S. PATENT AND TRADEMARK OFFICE

FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 160

Complete if Known

Application Number 09/457,926
Filing Date December 8, 1999
First Named Inventor Burton Christensen et al.
Examiner Name M. Garcia Baker
Group / Art Unit 1639
Attorney Docket No. P-061-R2

RECEIVED
DEC 18 2002
TECH CENTER 1600/2900

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																															
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: <input type="text" value="50-0344"/> Deposit Account Name: <input type="text" value="Theravance, Inc."/> The Commissioner is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		3. ADDITIONAL FEES <table border="1"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Code</th><th>Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td></td><td></td><td>1051</td><td>130</td><td>2051 65 Surcharge - late filing fee or oath</td><td></td></tr><tr><td></td><td></td><td>1052</td><td>50</td><td>2052 25 Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr><tr><td></td><td></td><td>1053</td><td>130</td><td>1053 130 Non-English specification</td><td></td></tr><tr><td></td><td></td><td>1812</td><td>2,520</td><td>1812 2,520 For filing a request for reexamination</td><td></td></tr><tr><td></td><td></td><td>1804</td><td>920*</td><td>1804 920* Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td></td><td></td><td>1805</td><td>1,840*</td><td>1805 1,840* Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td></td><td></td><td>1251</td><td>110</td><td>2251 55 Extension for reply within first month</td><td></td></tr><tr><td></td><td></td><td>1252</td><td>400</td><td>2252 200 Extension for reply within second month</td><td></td></tr><tr><td></td><td></td><td>1253</td><td>920</td><td>2253 460 Extension for reply within third month</td><td></td></tr><tr><td></td><td></td><td>1254</td><td>1,440</td><td>2254 720 Extension for reply within fourth month</td><td></td></tr><tr><td></td><td></td><td>1255</td><td>1,960</td><td>2255 980 Extension for reply within fifth month</td><td></td></tr><tr><td></td><td></td><td>1401</td><td>320</td><td>2401 160 Notice of Appeal</td><td></td></tr><tr><td></td><td></td><td>1402</td><td>320</td><td>2402 160 Filing a brief in support of an appeal</td><td>160</td></tr><tr><td></td><td></td><td>1403</td><td>280</td><td>2403 140 Request for oral hearing</td><td></td></tr><tr><td></td><td></td><td>1451</td><td>1,510</td><td>1451 1,510 Petition to institute a public use proceeding</td><td></td></tr><tr><td></td><td></td><td>1452</td><td>110</td><td>2452 55 Petition to revive - unavoidable</td><td></td></tr><tr><td></td><td></td><td>1453</td><td>1,280</td><td>2453 640 Petition to revive - unintentional</td><td></td></tr><tr><td></td><td></td><td>1501</td><td>1,280</td><td>2501 640 Utility issue fee (or reissue)</td><td></td></tr><tr><td></td><td></td><td>1502</td><td>460</td><td>2502 230 Design issue fee</td><td></td></tr><tr><td></td><td></td><td>1503</td><td>620</td><td>2503 310 Plant issue fee</td><td></td></tr><tr><td></td><td></td><td>1460</td><td>130</td><td>1460 130 Petitions to the Commissioner</td><td></td></tr><tr><td></td><td></td><td>1807</td><td>50</td><td>1807 50 Processing fee under 37 CFR 1.17 (q)</td><td></td></tr><tr><td></td><td></td><td>1806</td><td>180</td><td>1806 180 Submission of Information Disclosure Stmt</td><td></td></tr><tr><td></td><td></td><td>8021</td><td>40</td><td>8021 40 Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td></td><td></td><td>1809</td><td>740</td><td>2809 370 Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr><tr><td></td><td></td><td>1810</td><td>740</td><td>2810 370 For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr><tr><td></td><td></td><td>1801</td><td>740</td><td>2801 370 Request for Continued Examination (RCE)</td><td></td></tr><tr><td></td><td></td><td>1802</td><td>900</td><td>1802 900 Request for expedited examination of a design application</td><td></td></tr></tbody></table> Other fee (specify) _____ *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 160		Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid			1051	130	2051 65 Surcharge - late filing fee or oath				1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet.				1053	130	1053 130 Non-English specification				1812	2,520	1812 2,520 For filing a request for reexamination				1804	920*	1804 920* Requesting publication of SIR prior to Examiner action				1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action				1251	110	2251 55 Extension for reply within first month				1252	400	2252 200 Extension for reply within second month				1253	920	2253 460 Extension for reply within third month				1254	1,440	2254 720 Extension for reply within fourth month				1255	1,960	2255 980 Extension for reply within fifth month				1401	320	2401 160 Notice of Appeal				1402	320	2402 160 Filing a brief in support of an appeal	160			1403	280	2403 140 Request for oral hearing				1451	1,510	1451 1,510 Petition to institute a public use proceeding				1452	110	2452 55 Petition to revive - unavoidable				1453	1,280	2453 640 Petition to revive - unintentional				1501	1,280	2501 640 Utility issue fee (or reissue)				1502	460	2502 230 Design issue fee				1503	620	2503 310 Plant issue fee				1460	130	1460 130 Petitions to the Commissioner				1807	50	1807 50 Processing fee under 37 CFR 1.17 (q)				1806	180	1806 180 Submission of Information Disclosure Stmt				8021	40	8021 40 Recording each patent assignment per property (times number of properties)				1809	740	2809 370 Filing a submission after final rejection (37 CFR § 1.129(a))				1810	740	2810 370 For each additional invention to be examined (37 CFR § 1.129(b))				1801	740	2801 370 Request for Continued Examination (RCE)				1802	900	1802 900 Request for expedited examination of a design application	
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																												
		1051	130	2051 65 Surcharge - late filing fee or oath																																																																																																																																																																													
		1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet.																																																																																																																																																																													
		1053	130	1053 130 Non-English specification																																																																																																																																																																													
		1812	2,520	1812 2,520 For filing a request for reexamination																																																																																																																																																																													
		1804	920*	1804 920* Requesting publication of SIR prior to Examiner action																																																																																																																																																																													
		1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action																																																																																																																																																																													
		1251	110	2251 55 Extension for reply within first month																																																																																																																																																																													
		1252	400	2252 200 Extension for reply within second month																																																																																																																																																																													
		1253	920	2253 460 Extension for reply within third month																																																																																																																																																																													
		1254	1,440	2254 720 Extension for reply within fourth month																																																																																																																																																																													
		1255	1,960	2255 980 Extension for reply within fifth month																																																																																																																																																																													
		1401	320	2401 160 Notice of Appeal																																																																																																																																																																													
		1402	320	2402 160 Filing a brief in support of an appeal	160																																																																																																																																																																												
		1403	280	2403 140 Request for oral hearing																																																																																																																																																																													
		1451	1,510	1451 1,510 Petition to institute a public use proceeding																																																																																																																																																																													
		1452	110	2452 55 Petition to revive - unavoidable																																																																																																																																																																													
		1453	1,280	2453 640 Petition to revive - unintentional																																																																																																																																																																													
		1501	1,280	2501 640 Utility issue fee (or reissue)																																																																																																																																																																													
		1502	460	2502 230 Design issue fee																																																																																																																																																																													
		1503	620	2503 310 Plant issue fee																																																																																																																																																																													
		1460	130	1460 130 Petitions to the Commissioner																																																																																																																																																																													
		1807	50	1807 50 Processing fee under 37 CFR 1.17 (q)																																																																																																																																																																													
		1806	180	1806 180 Submission of Information Disclosure Stmt																																																																																																																																																																													
		8021	40	8021 40 Recording each patent assignment per property (times number of properties)																																																																																																																																																																													
		1809	740	2809 370 Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																													
		1810	740	2810 370 For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																													
		1801	740	2801 370 Request for Continued Examination (RCE)																																																																																																																																																																													
		1802	900	1802 900 Request for expedited examination of a design application																																																																																																																																																																													
1. BASIC FILING FEE <table border="1"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Code</th><th>Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>1001</td><td>2001</td><td>740</td><td>370</td><td>Utility filing fee</td><td></td></tr><tr><td>1002</td><td>2002</td><td>330</td><td>165</td><td>Design filing fee</td><td></td></tr><tr><td>1003</td><td>2003</td><td>510</td><td>255</td><td>Plant filing fee</td><td></td></tr><tr><td>1004</td><td>2004</td><td>740</td><td>370</td><td>Reissue filing fee</td><td></td></tr><tr><td>1005</td><td>2005</td><td>160</td><td>80</td><td>Provisional filing fee</td><td></td></tr></tbody></table> SUBTOTAL (1) (\$) 0		Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid	1001	2001	740	370	Utility filing fee		1002	2002	330	165	Design filing fee		1003	2003	510	255	Plant filing fee		1004	2004	740	370	Reissue filing fee		1005	2005	160	80	Provisional filing fee		2. EXTRA CLAIM FEES <table border="1"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Code</th><th>Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>1202</td><td>2202</td><td>18</td><td>9</td><td>Claims in excess of 20</td><td></td></tr><tr><td>1201</td><td>2201</td><td>84</td><td>42</td><td>Independent claims in excess of 3</td><td></td></tr><tr><td>1203</td><td>2203</td><td>280</td><td>140</td><td>Multiple dependent claim, if not paid</td><td></td></tr><tr><td>1204</td><td>2204</td><td>84</td><td>42</td><td>** Reissue independent claims over original patent</td><td></td></tr><tr><td>1205</td><td>2205</td><td>18</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr></tbody></table> SUBTOTAL (2) (\$) 0		Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid	1202	2202	18	9	Claims in excess of 20		1201	2201	84	42	Independent claims in excess of 3		1203	2203	280	140	Multiple dependent claim, if not paid		1204	2204	84	42	** Reissue independent claims over original patent		1205	2205	18	9	** Reissue claims in excess of 20 and over original patent																																																																																																							
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																												
1001	2001	740	370	Utility filing fee																																																																																																																																																																													
1002	2002	330	165	Design filing fee																																																																																																																																																																													
1003	2003	510	255	Plant filing fee																																																																																																																																																																													
1004	2004	740	370	Reissue filing fee																																																																																																																																																																													
1005	2005	160	80	Provisional filing fee																																																																																																																																																																													
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																												
1202	2202	18	9	Claims in excess of 20																																																																																																																																																																													
1201	2201	84	42	Independent claims in excess of 3																																																																																																																																																																													
1203	2203	280	140	Multiple dependent claim, if not paid																																																																																																																																																																													
1204	2204	84	42	** Reissue independent claims over original patent																																																																																																																																																																													
1205	2205	18	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																													

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Jeffrey A. Hagenah	Registration No. Attorney/Agent	35,175
Signature		Telephone	(650) 808-6406
		Date	December 13, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.
If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.